

## **MINUTES**

### **MONTANA SENATE 60th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON JUDICIARY**

**Call to Order:** By **VICE CHAIRWOMAN LYNDA MOSS**, on March 21, 2007  
at 8:00 A.M., in Room 303 Capitol.

#### **ROLL CALL**

##### **Members Present:**

Sen. Lynda Moss, Vice Chairwoman (D)  
Sen. Aubyn Curtiss (R)  
Sen. Carol C. Juneau (D)  
Sen. Dan McGee (R)  
Sen. Gerald Pease (D)  
Sen. Gary L. Perry (R)  
Sen. Jim Shockley (R)  
Sen. David E. Wanzonried (D)

##### **Members Excused:**

Sen. Jesse Laslovich, Chairman (D)  
Sen. Larry Jent (D)  
Sen. Jerry O'Neil (R)  
Sen. Carol Williams (D)

**Members Absent:** None.

**Staff Present:** Carol Andersen, Committee Secretary  
Valencia Lane, Legislative Branch

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

##### **Committee Business Summary:**

Hearing & Date Posted: HB 35, 3/16/2007; HB 310,  
3/16/2007; HB 467, 3/16/2007; HB  
695, 3/16/2007  
Executive Action: HB 467

**HEARING ON HB 35**

**Opening Statement by Sponsor:**

00:01:16 REP. JIM KEANE (D), HD 75, opened the hearing on HB 35, Assistance to victims of identity theft.

**Proponents:**

00:02:12 Kelsen Young, Self

**EXHIBIT(jus60a01)**

00:09:52 Pam Bucy, Department of Justice

00:10:52 Bruce Spencer, Montana Automobile Association

00:11:22 Aimee Grmoljez, Montana Bankers Association

00:12:01 Janet Harper, Montana Credit Union Association

00:13:04 Steve Yeakel, Montana Independent Bankers

00:13:32 Del Lonnquist, AARP Montana

**EXHIBIT(jus60a02)**

**Opponents:** None.

**Informational Testimony:** None.

**Questions from Committee Members and Responses:** None.

**Closing by Sponsor:**

00:14:38 Rep. Keane

**HEARING ON HB 310**

**Opening Statement by Sponsor:**

00:15:22 REP. ERNIE DUTTON (R), HD 56, opened the hearing on HB 310, Authorize beneficiary deeds.

**Proponents:**

00:19:02 Dan McLean, Estate Planning Attorney

00:22:00 Aimee Grmoljez, Montana Bankers Association

**Opponents:** None.

**Informational Testimony:** None.

00:23:15 Jeff Buska, Quality Assurance Administrator,  
Department of Public Health and Human Services, (DPHHS)

**Questions from Committee Members and Responses:**

00:24:04 Sen. McGee to Rep. Dutton

00:25:35 Sen. Juneau to Dan McLean

00:27:54 Sen. Juneau to Jeff Buska

**Closing by Sponsor:**

00:31:08 Rep. Dutton

**HEARING ON HB 467**

**Opening Statement by Sponsor:**

00:41:03 **REP. KEN PETERSON (R), HD 46**, opened the hearing on **HB 467**, Revise medical-legal panel laws.

**Proponents:**

00:47:32 Pat Melby, Montana Medical Association

00:51:51 Brenda Elias, Attorney, Department of Corrections

00:54:35 Dr. Liz Rantz, Medical Director, Department of  
Corrections

01:00:55 Al Smith, Montana Trial Lawyers Association

**Opponents:** None.

**Informational Testimony:** None.

**Questions from Committee Members and Responses:**

01:02:20 Sen. Juneau to Pat Melby

01:06:24 Sen. Juneau to Brenda Elias

01:10:15 Sen. Wanzenried to Brenda Elias

01:14:28 Deferred to Dr. Rantz

01:16:23 Sen. McGee to Pat Melby

01:18:03 Deferred to Dr. Rantz

01:18:37 Sen. Juneau to Pat Melby

**Closing by Sponsor:**

01:22:50 Rep. Peterson

01:27:08 Break

01:42:17 Resume

**HEARING ON HB 695**

**Opening Statement by Sponsor:**

01:42:35 **REP. WALTER MCNUTT (R), HD 37**, opened the hearing on **HB 695**, Require deduction of economic consumption from medical malpractice award.

**Proponents:**

01:45:35 Dr. Mike Priddy, Missoula Family Practice Physician

02:01:40 Dr. Jerry Speer, Great Falls Family Practice Physician

02:09:00 Ray Gibbons, Teton Medical Center

**EXHIBIT(jus60a03)**

02:13:09 Kevin Twidwell, Missoula Lawyer

**EXHIBIT(jus60a04)**

02:22:17 Mark Taylor, General Counsel, Montana Hospital Association

**EXHIBIT(jus60a05)**

02:27:03 Aimee Grmoljez, Utah Medical Insurance Association

02:29:30 Tom Ebzery, Attorney, Billings Area Hospitals

02:30:40 Greg Van Horssen, State Farm Insurance

02:31:18 Jani McCall, Billings Clinic

**Opponents:**

02:31:46 Al Smith, Montana Trial Lawyers Association

[EXHIBIT\(jus60a06\)](#)

[EXHIBIT\(jus60a07\)](#)

03:03:30 John Amsden, Attorney

[EXHIBIT\(jus60a08\)](#)

[EXHIBIT\(jus60a09\)](#)

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

03:12:35 Sen. Shockley to Al Smith

03:15:19 Sen. Shockley to Ray Gibbons

03:17:24 Sen. Shockley to Dr. Priddy

03:19:37 Sen. Williams to Dr. Priddy

03:20:36 Sen. Williams to Al Smith

03:21:21 Sen. McGee to Al Smith

03:23:32 Sen. Perry to Ray Gibbons

03:29:28 Sen. Wanzenried to Mark Taylor

03:30:27 Sen. Wanzenried to Rep. McNutt

**Closing by Sponsor:**

03:32:47 Rep. McNutt

**EXECUTIVE ACTION ON HB 467**

03:37:32 **Motion:** SEN. PERRY moved that HB 467 BE CONCURRED IN.

**Discussion:**

03:37:59 Sen. O'Neil

03:39:17 Al Smith, Montana Trial Lawyers Association

03:40:05 Sen. Shockley

03:40:20 Al Smith

03:41:23 Sen. Laslovich

03:42:10 Valencia Lane, LSD

03:44:12 Sen. Shockley

03:45:22 Valencia Lane

03:45:45 Sen. O'Neil

03:46:40 Sen. Perry

03:48:20 Sen. Shockley

03:48:50 **SEN. PERRY withdrew his Motion that HB 467 BE CONCURRED IN.**

**ADJOURNMENT**

Adjournment: 11:50 A.M.

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SEN. JESSE LASLOVICH, Chairman

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CAROL ANDERSEN, Secretary

JL/ca

Additional Exhibits:

**EXHIBIT ([jus60aad.pdf](#))**